



**UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
1099 14TH STREET NW
WASHINGTON DC 20570**

June 24, 2013

Re: Domsey Trading Corporation, et al.
Cases 29-CA-014548, et al.

Phillip Pierce, Esq.
Margolin & Pierce, LLP
140 West 57th Street
Suite 7C
New York, NY 10019

Dear Mr. Pierce:

This will acknowledge the receipt in this Office on June 18, 2013, of the Respondents' post-hearing brief and cover letter requesting that the Board accept the post-hearing brief "as setting forth the Respondents' exceptions to Judge Marcionese's May 22, 2013 Fifth Supplemental Decision in this case." The purported exceptions are procedurally deficient and are rejected.

As the Respondents' purported exceptions consist entirely of the Respondents' post-hearing brief submitted to the Administrative Law Judge, they fail to comply with the requirements of Section 102.46(b)(1) of the Board's Rules and Regulations. The relevant part of Section 102.46(b)(1) provides:

"Each exception (i) shall set forth specifically the questions of procedure, fact, law, or policy to which exception is taken; (ii) shall identify that part of the administrative law judge's decision to which objection is made; (iii) shall designate by precise citation of page the portions of the record relied on; and (iv) shall concisely state the grounds for the exception."

The Respondents' purported exceptions fail to state with any specificity the alleged errors in the judge's findings, recommendations, and conclusions, and do not set forth the portions of the record or the evidence relied on in support of the exceptions. As the Respondents' post-hearing brief was filed before the judge's Fifth Supplemental Decision, it obviously does not, and could not, address the judge's findings and conclusions to which exception is taken. Thus, the

Respondents' purported exceptions would require the Board to attempt to speculate on the grounds advanced, and the facts relied on, by the Respondents in contesting the judge's findings of fact, conclusions of law, and recommendations.

Accordingly, the Respondents' post-hearing brief will not be forwarded to the Board for consideration as exceptions to the judge's Fifth Supplemental Decision.

Very truly yours,

Henry S. Breiteneicher
Associate Executive Secretary

cc: Parties